IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital: the February 18, 2005
Criminal IInd Bail application no. 81/2005
Order on the bail application of accused

CRIMINAL SIDE

Suliman
S/o Sri Sahduli
R/o Village Guladia Bhindara
P.S. Newrea
District Philibhit …. Applicant

Versus

State of Uttaranchal ….Opposite Party

Arising out of Case Crime No. 368 /2004
U/Ss 307, 324, 325, 504, 506 IPC
Police Station Khatima
District Udham Singh Nagar

By the court

Hon'ble J.C.S. Rawat, J.

Heard Sri S.K. Mandal learned counsel for the applicant, and learned A.G.A.

Perused the record. This the second bail application of the applicant-accused. The first bail application was rejected by this Court on the grounds that the applicant is the main person who caused the injuries on the injured and there were three injured persons. Later on, the bail application of Azim was moved before this Court and this Court has granted him bail in 9.12.2004 on the ground that both the parties have received the injuries during the course of incident. Co-accused Azim, who assigned the similar role, has been admitted to bail by this Court on 9.12.2004. Co - accused Saleem has already been released on bail by the Sessions Judge on 3.1.2005.

Perusal of the FIR reveals that the role assigned to the applicant is of similar to the other co-accused. The ground of releasing of other co-accused as has been alleged in this bail application was not available to the applicant-accused at the time of disposal of the first bail application because the co-accused were released on bail on the later dates. Apart from this, at the time of the first bail application it was not contented or averred that both the parties sustained the injuries during the course of incident. The fresh grounds for granting

the bail are made out. Therefore, the applicant-accused is admitted to bail.

Let the applicant-accused be released on bail on his executing a personal bond each and two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 18.02.2005

LSR